

**OFFICE OF THE FEDERAL DEFENDER**  
**EASTERN DISTRICT OF CALIFORNIA**  
**801 I STREET, 3rd FLOOR**  
**SACRAMENTO, CALIFORNIA 95814**  
(916) 498-5700 Fax: (916) 498-5710

Daniel J. Broderick  
Federal Defender

Linda Harter  
Chief Assistant Defender

March 29, 2007

**FILED**

APR - 2 2007

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY  DEPUTY CLERK

Ms. Marylou Hillberg  
Attorney at Law  
P.O. Box 1879  
Sebastopol, CA 95473

Re: Owens v. Runnels  
Civ.S-04-2415-WBS/GGH

Dear Ms. Hillberg:

This will confirm your appointment as counsel by the Honorable Gregory G. Hollows, U.S. Magistrate Judge, to represent the above-named appellant. You are attorney of record until such time as you are relieved or other action is taken to appoint a different attorney.

Enclosed is CJA 20 form, your Order of Appointment and Voucher for services rendered. Also enclosed is an instruction sheet discussing the use of the forms, together with sample forms for reporting court time. This will also provide a uniformity in the way attorneys report their time and services rendered.

If we may be of any further assistance regarding the processing of the enclosed form, preparation of form CJA 21 for expert services, or in reference to any other matter pertaining to this case, please feel free to call upon us at any time.

Very truly yours,



CYNTHIA L. COMPTON  
CJA Panel Administrator

:clc  
Enclosures

cc: Clerk's Office  
Ninth Circuit Court of Appeals

<b>1. CIR./DIST./DIV. CODE</b> 09C		<b>2. PERSON REPRESENTED</b> Owens, Michael L.		<b>VOUCHER NUMBER</b>	
<b>3. MAG. DKT./DEF. NUMBER</b>		<b>4. DIST. DKT./DEF. NUMBER</b> Civ.S-04-2415-WBS/GGH		<b>5. APPEALS DKT./DEF. NUMBER</b>	
<b>7. IN CASE/MATTER OF (Case Name)</b> Owens v. Runnels		<b>8. PAYMENT CATEGORY</b> Appeal		<b>9. TYPE PERSON REPRESENTED</b> Appellant	
				<b>10. REPRESENTATION TYPE</b> CA	
<b>11. OFFENSE(S) CHARGED (Cite U.S. Code, Title &amp; Section)</b> If more than one offense, list (up to five) under offense charged, according to severity of offense. Appeal from the denial of a habeas corpus					
<b>12. ATTORNEY'S NAME (First Name, M.I., Last Name including any suffix)</b> AND MAILING ADDRESS Marylou Hillberg, Esq. P.O. Box 1879 Sebastopol, CA 95473  Telephone Number (707) 575-0393			<b>13. COURT ORDER</b> <input type="checkbox"/> O Approving Counsel <input type="checkbox"/> C Co-Counsel <input type="checkbox"/> F State For Federal Defender <input type="checkbox"/> R State For Retained Attorney <input type="checkbox"/> P State For Private Attorney <input type="checkbox"/> Y Standby Counsel Prior Attorney's Name _____ Appointed Date _____ <input type="checkbox"/> I certify the above-named person represented here testified under oath or has otherwise satisfied this court that he or she (1) is financially unable to employ counsel and (2) does not wish to employ counsel, and because the interests of justice require, the attorney whose name appears in Item 12 is appointed to represent this person in this case, or <input type="checkbox"/> Other (See Instructions) _____ Signature of Presiding Judicial Officer <u>GREGORY S. HOLLOWAY</u> Date of Order <u>4/02/2007</u> Date For Term Date <u>2/15/07</u> Repayment or partial repayment ordered from the person represented for this service at time of appointment. <input type="checkbox"/> YES <input type="checkbox"/> NO		
<b>14. NAME AND MAILING ADDRESS OF LAW FIRM (only provide per instructions)</b>					

	CATEGORIES (Attach description of services with dates)	HOURS CLAIMED	TOTAL AMOUNT CLAIMED	MATH/TECH ADJUSTED HOURS	MATH/TECH ADJUSTED AMOUNT	ADDITIONAL REVIEW
IN COURT	a. Arraignment and/or Plea					
	b. Bail and Detention Hearings					
	c. Motion Hearings					
	d. Trial					
	e. Sentencing Hearings					
	f. Revocation Hearings					
	g. Appeals Court					
	h. Other (Specify on additional sheets)					
	(Rate per hour = \$ 92 ) TOTAL:					
OUT OF COURT	a. Interviews and Conferences					
	b. Obtaining and reviewing records					
	c. Legal research and brief writing					
	d. Travel time					
	e. Investigative and Other work (Specify on additional sheets)					
	(Rate per hour = \$ 92 ) TOTAL:					
17.	Travel Expenses (lodging, parking, meals, mileage, etc.)					
18.	Other Expenses (other than expert, transcripts, etc.)					

<b>19. CERTIFICATION OF ATTORNEY/PAYEE FOR THE PERIOD OF SERVICE</b> FROM _____ TO _____			<b>20. APPOINTMENT TERMINATION DATE IF OTHER THAN CASE COMPLETION</b>		<b>21. CASE DISPOSITION</b>
<b>22. CLAIM STATUS</b> <input type="checkbox"/> Final Payment <input type="checkbox"/> Interim Payment Number _____ <input type="checkbox"/> Supplemental Payment Have you previously applied to the court for compensation under such circumstances for this case? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, were you paid? <input type="checkbox"/> YES <input type="checkbox"/> NO Other than from the court, have you, or to your knowledge has anyone else, received payment (compensation or anything of value) from any other source in connection with this representation? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, give details on additional sheets. I swear or affirm the truth or correctness of the above statements. Signature of Attorney: _____ Date: _____					
<b>23. IN COURT COMP.</b>	<b>24. OUT OF COURT COMP.</b>	<b>25. TRAVEL EXPENSES</b>	<b>26. OTHER EXPENSES</b>	<b>27. TOTAL AMT. APPR./CERT</b>	
<b>28. SIGNATURE OF THE PRESIDING JUDICIAL OFFICER</b>			<b>DATE</b>	<b>29. JUDGE / MAG. JUDGE CODE</b>	
<b>29. IN COURT COMP.</b>	<b>30. OUT OF COURT COMP.</b>	<b>31. TRAVEL EXPENSES</b>	<b>32. OTHER EXPENSES</b>	<b>33. TOTAL AMT. APPROVED</b>	
<b>34. SIGNATURE OF CHIEF JUDGE COURT OF APPEALS (OR DELEGATE)</b> Payment approved in name of the standby third-level attorney.			<b>DATE</b>	<b>35. JUDGE CODE</b>	

MARYLOU HILLBERG  
State Bar No. 88645  
P.O. Box 1879  
Sebastopol, CA 95473  
Telephone (707) 575-0393  
Fax (707) 829-1197  
E-mail hillberg@sonic.net

ATTORNEY FOR PETITIONER,  
MICHAEL L. OWENS

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL L. OWENS,

Petitioner,

vs.

D.L. RUNNJELS, WARDEN, et al

Respondents

Case No. CIV S 04-2415 WBS GGH P

PETITIONER'S NOTICE OF  
APPEAL; PROOF OF SERVICE

U.S. District Court Judge

Garland E. Burrell, Jr.

NOTICE OF APPEAL

MICHAEL L. OWENS, by and through his attorney, MARYLOU HILLBERG, hereby appeals to the U.S. Court of Appeals for the Ninth Circuit from the judgment of the U.S. District Court for the Central District of California, by Hon. Garland E. Burrell, Jr., entered by this Court on January 16, 2007, denying the Petition for Writ of Habeas Corpus for a state prisoner under 28 U.S.C. 2254.

Dated: February 15, 2007

Respectfully submitted,  
/s/ Marylou Hillberg  
Marylou Hillberg,  
Attorney for Petitioner  
MICHAEL L. OWENS

1 MARYLOU HILLBERG  
2 State Bar No. 88645  
3 P.O. Box 1879  
4 Sebastopol, CA 95473  
5 Telephone (707) 575-0393  
6 Fax (707) 829-1197  
7 E-mail hillberg@sonic.net

8 ATTORNEY FOR PETITIONER,  
9 MICHAEL L. OWENS

10 UNITED STATES DISTRICT COURT  
11 FOR THE EASTERN DISTRICT OF CALIFORNIA

12 MICHAEL L. OWENS,

13 Petitioner,

14 vs.

15 D.L. RUNNELS, WARDEN, et al

16 Respondents

Case No. CIV S 04-2415 WBS GGH P  
CERTIFICATE OF SERVICE

17 I, the undersigned, hereby certify that I am over 18 years of age and  
18 that on February 15, 2007, I served a true and correct copy of the  
19 attached, Notice of Appeal by placing said copies in a postage paid envelope  
20 addressed to the persons hereinafter listed, by depositing said envelopes in  
21 the U.S. Mail.

22 Michael L. Owens, J-25599  
23 High Desert State Prison  
24 P.O. Box 3030  
25 Susanville, CA 96127-3030

26 I certify under penalty of perjury that the foregoing is true and correct.  
27 Ss/Marylou Hillberg

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL L. OWENS,

Petitioner,

2:04-cv-2415-GEB-GGH-P

vs.

D.L. RUNNELS, et al.,

Respondent.

ORDER

Petitioner, a state prisoner proceeding through counsel, has timely filed a notice of appeal of this court's January 15, 2007, denial of his application for a writ of habeas corpus. Before petitioner can appeal this decision, a certificate of appealability must issue. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

A certificate of appealability may issue under 28 U.S.C. § 2253 "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). The certificate of appealability must "indicate which specific issue or issues satisfy" the requirement. 28 U.S.C. § 2253(c)(3).

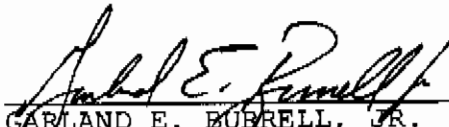
A certificate of appealability should be granted for any issue that petitioner can demonstrate is "debateable among jurists of reason," could be resolved differently by a different court, or is "adequate to deserve encouragement to proceed further." Jennings v. Woodford,

1 290 F.3d 1006, 1010 (9th Cir. 2002) (quoting Barefoot v. Estelle, 463 U.S. 880, 893 (1983)).<sup>1</sup>

2           Petitioner has made a substantial showing of the denial of a constitutional right in  
3 the following issues presented in the instant petition: ineffective assistance of counsel.

4           Accordingly, IT IS HEREBY ORDERED that a certificate of appealability is  
5 issued in the present action.

6 Dated: March 7, 2007

7   
8 GARLAND E. BURRELL, JR.  
9 United States District Judge

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25 <sup>1</sup> Except for the requirement that appealable issues be specifically identified, the standard  
26 for issuance of a certificate of appealability is the same as the standard that applied to issuance of  
a certificate of probable cause. Jennings, at 1010.